



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2435

Introduced 2/17/2015, by Rep. Dwight Kay

SYNOPSIS AS INTRODUCED:

New Act

Creates the H-1B Visa Fraud and Abuse Prevention Act. Limits the employment of holders of H-1B visas. Provides that an employer may not place, outsource, lease, or otherwise contract the services of a H-1B visa holder with another employer unless the employer of the H-1B visa holder has been granted a waiver by the Department of Labor. Provides that a waiver may be granted if: the employer with whom the H-1B visa holder would be placed has not displaced, and does not intend to displace, a U.S. worker employed by that employer within the period beginning 180 days before and ending 180 days after date of placement of the H-1B visa holder with that employer; the H-1B visa holder will not be controlled and supervised principally by the employer with whom that person is placed; and the placement of the H-1B visa holder is not essentially an arrangement to provide labor for hire for the employer with whom the H-1B visa holder will be placed. Provides that the Department of Labor shall grant or deny a waiver not later than 7 days after the Department receives the application for the waiver.

LRB099 06878 JLS 26958 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the H-1B
5 Visa Fraud and Abuse Prevention Act.

6 Section 5. Definitions. In this Act:

7 "Employer" means an individual, partnership, association,
8 corporation, business trust, governmental or
9 quasi-governmental body, or any other person, group of persons,
10 or entity that employs a person to work, labor, or exercise
11 skill in connection with the operation of any business,
12 industry, vocation, or occupation.

13 "H-1B visa" means a non-immigrant visa issued under Section
14 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8
15 U.S.C. 1101(a)(15)(H)(i)(b)).

16 Section 10. Purpose. The purpose of this Act is to prevent
17 fraud and abuse with respect to the use of H-1B visas.

18 Section 15. Prohibited practices.

19 (a) An employer may not place, outsource, lease, or
20 otherwise contract the services of a holder of an H-1B visa
21 with another employer unless the employer of the individual

1 holding the H-1B visa has been granted a waiver by the
2 Department of Labor.

3 (b) A waiver may be granted in the following circumstances:

4 (1) the employer with whom the individual holding the
5 H-1B visa would be placed has not displaced, and does not
6 intend to displace, a United States worker employed by that
7 employer within the period beginning 180 days before and
8 ending 180 days after date of placement of the individual
9 holding the H-1B visa with that employer;

10 (2) the individual holding the H-1B visa will not be
11 controlled and supervised principally by the employer with
12 whom that person is placed; and

13 (3) the placement of the individual holding the H-1B
14 visa is not essentially an arrangement to provide labor for
15 hire for the employer with whom the individual holding the
16 H-1B visa will be placed.

17 (c) The Department of Labor shall grant or deny a waiver
18 under this Section not later than 7 days after the Department
19 receives the application for the waiver.